

United States Court of Appeals
For the Eighth Circuit

No. 14-1030

Jackie D. Johnson

Plaintiff - Appellant

v.

Terry Burton, Arkansas State Police Badge #312

Defendant - Appellee

Appeal from United States District Court
for the Eastern District of Arkansas - Jonesboro

Submitted: July 29, 2014

Filed: July 31, 2014

[Unpublished]

Before BYE, SMITH, and KELLY, Circuit Judges.

PER CURIAM.

Jackie Johnson appeals the district court's¹ Federal Rule of Civil Procedure 12(b)(6) dismissal of his civil complaint, in which he claimed violations of his Fourth

¹The Honorable Brian S. Miller, Chief Judge, United States District Court for the Eastern District of Arkansas.

and Eighth Amendment rights. Upon careful de novo review, we conclude that the district court did not err in dismissing Johnson's claims, which we agree were asserted against the named defendant in his official capacity only, and were thus barred by the Eleventh Amendment. See Minn. Majority v. Mansky, 708 F.3d 1051, 1055 (8th Cir.) (de novo review of Rule 12(b)(6) dismissal), cert. denied, 134 S. Ct. 824 (2013); Reynolds v. Dormire, 636 F.3d 976, 981 (8th Cir. 2011) (official-capacity damages claims are barred by Eleventh Amendment); Baker v. Chisom, 501 F.3d 920, 923-24 (8th Cir. 2007) (if complaint is silent about capacity in which defendant is sued, district court interprets complaint as including only official-capacity claims). Accordingly, we affirm. See 8th Cir. R. 47B.
